

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Dr. Jack Baldwin, DDS

Plaintiff,

V.

Delta Dental Plans Association, et al.,

Defendants.

Civ. No. 19-3141 (SRN/BRT)

## ORDER

This matter is before the Court on the parties' Stipulation and Proposed Order Regarding Time to Respond to Class Action Complaint. (Doc. No. 13.)

In light of the proceedings before the JPML and so as to minimize the burden on the Court and the parties during the pendency of the JPML proceedings, Plaintiff and Defendants have stipulated to and the Court hereby Orders that:

1. Defendants who have not been served with Plaintiff's Amended Class Action Complaint will waive formal service of process pursuant to Fed. R. Civ. P. 4(d) and such waiver shall date back to the date of filing of Plaintiff's Amended Complaint, January 6, 2020.

2. Plaintiff agrees that, absent a court order to the contrary and except as provided below, the date by which the Defendants shall answer or otherwise respond to the complaint is extended to **March 6, 2020**.

3. If the JPML orders that the pretrial proceedings in this action be coordinated or consolidated with any other action in a single district pursuant to 28 U.S.C. § 1407, then, unless ordered otherwise by the MDL transferee court and to the extent that Defendants have not already filed a responsive pleading, Defendants shall, as permitted by Rule 12 of the Federal Rules of Civil Procedure, answer, move, or otherwise plead in response to the operative complaint within sixty (60) days after all Plaintiffs in the coordinated or consolidated actions serve a consolidated amended complaint. If Defendants move in response to the operative complaint, Plaintiff will have the same time to oppose as provided to Defendants to move.

4. If the JPML does not order that the pretrial proceedings in this action be coordinated or consolidated with any other action in a single district, then, unless ordered otherwise and to the extent that Defendants have not already filed a responsive pleading, Defendants shall, as permitted by Rule 12 of the Federal Rules of Civil Procedure, answer, move, or otherwise plead in response to the operative complaint within thirty (30) days after service of the JPML ruling. If Defendants respond to the operative complaint by filing a motion under Rule 12, Plaintiff shall have thirty (30) days to file an opposition, after which Defendants shall have twenty-one (21) days to file a reply.

5. Plaintiff and Defendants further stipulate and agree that the entry of the Stipulation at Docket No. 13 by Defendants shall not constitute a waiver of any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, a waiver of any right to compel arbitration of any claim or issue in this

or any other action, or a waiver of any other statutory or common law defenses that may be available to Defendants in this and the other Related Actions. Defendants expressly reserve their rights to raise any such defenses in response to either the current Complaint or any amended complaint that may be filed relating to this action.

6. Defendants specifically reserve their right to petition this Court for a stay of all proceedings pending a ruling by the JPML on the motion to consolidate the related actions. *See supra*, ¶ 2. Plaintiff similarly reserves its right to oppose any such motion.

Date: January 10, 2020

*s/ Becky R. Thorson*  
BECKY R. THORSON  
U.S. Magistrate Judge